

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER
OF
WILFRID RABY, M.D.

AMENDED
STATEMENT
OF
CHARGES

WILFRID RABY, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 26, 2008 by the issuance of license number 249293 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 14, 2017 the New Jersey Board of Medical Examiners (New Jersey Board) entered into an Amended Consent Order with the Respondent to resolve an administrative complaint against the Respondent alleging that the Respondent, a psychiatrist, was prescribing Schedule II Controlled Dangerous Substances to five patients for chronic pain. The New Jersey Board found that Respondent was deviating from his area of specialty in treating patients who have chronic pain and failed to provide the appropriate documentation in the patient records. Based on the above, the New Jersey Board reprimanded the Respondent for his care and treatment of three chronic pain patients, relied upon the Respondent's assurances, that he will no longer prescribe CDS Schedule II CDS, with the exception of medications that have a Vyvanese amphetamine preparation, methylphenidate-based medications and/or any other stimulant preparations used to treat Attention Deficit Disorder, and ordered the Respondent to successfully complete a Board approved course in medical ethics.

B. Respondent's conduct as described above upon which the finding of unprofessional conduct in New Jersey was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion
2. New York Education Law § 6530 (24) (Practicing the profession beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a license professional, except in an emergency situation where a person's life or health is in danger and/or
3. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation of the patient.)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation,

suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3), (24), and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

DATE: January 16, 2018
Albany, New York


MICHAEL A. HISER, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct